IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3060 OF 2004....

Khimji Teja Jitiya .. Plaintiff

versus

Bhagoji S.Kamble .. Defendant

Mr.B.N.Shah i/b P.I.Vakil for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 9th March 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendant. Perused the affidavit of service dated 7th December, 2004. Despite service, the defendant has not filed any appearanmce. The plaintiff is therefore entitled to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure.

2. The plaintiff has also filed on record the original docuemnts. The documents are taken on record and marked Exhibit A for identification.

3. I have perused the plaint and the documents. For the repayment of the loan advanced by the plaintiff, the defendant issued a cheque for Rs.1,50,000/. The cheque was dishonoured when presented. The original cheque and the dishonour memo is filed on record. Hence, the plaintiff is entitled to a decree under order 37 Rule 2 (3) of the Code of Civil Procedure.

4. For these reasons, I pass the following order :

" The suit of the plaintiff is decreed as follows :

The defendant shall pay to the plaintiff a sum of Rs.1,53,000/- together with interest at 9 % p.a. from the date of the suit till payment and all costs of the suit. Issue court feee refund as per rules."

D.G.KARNIK, J